

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FRONTIER FISHING CORP.

Plaintiff,

v.

DONALD EVANS, Secretary of the
UNITED STATES DEPARTMENT OF
COMMERCE; AND CONRAD C.
LAUTENBACHER JR. UNDER SECRETARY
FOR OCEANS AND
ATMOSPHERE/ADMINISTRATOR AND
DEPUTY UNDER SECRETARY

Defendants.

CIVIL ACTION
NO.04-11171-DPW

**JOINT STATEMENT IN ADVANCE OF SCHEDULING CONFERENCE
PURSUANT TO LOCAL RULE 16.1(D)**

Pursuant to Local Rule 16.1(D), and in advance of the Scheduling Conference set in this matter for September 21, 2004, Plaintiff and the Federal Defendants submit this Joint Statement.

I. Discovery Plan

The Parties agree that the matters presented in this case are to be decided on the basis of the Administrative Record of an administrative enforcement action. Therefore, the Parties further agree that no discovery is warranted, and thus do not propose a discovery schedule or a date for the exchange of initial disclosures other than production of the administrative record.

II. Proposed Briefing Schedule

The Parties agree that the issues presented in the Complaint can be resolved in their entirety through dispositive motions, and propose the following schedule for the filing of motions and supporting papers:

Deadline for the Defendant to produce the record appendix from the underlying administrative: October 1, 2004.

Deadline for Plaintiff to file motion for summary judgment: December 15, 2004;

Deadline for Defendants to file opposition to Plaintiff's motion and to file cross-motion for summary judgment: January 15, 2005; and

Deadline for Plaintiff to file reply in further support of the motion for summary judgment: February 15, 2005.

III. Certifications

By their signatures below, each Party certifies that they have conferred with their respective counsel:

(a) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation; and

(b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in LR 16.4.

Counsel's certification is incorporated into their signatures submitting this Joint Statement below.

Respectfully submitted this 14th day of September, 2004,

FRONTIER FISHING CORP.
By its attorneys,

**DONALD EVANS and
CONRAD C. LAUTENBACHER, JR.**
By their attorneys,

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